IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1738 OF 2007

Shri Pushkar Madhav Damle. .. Petitioner

Vs.

The State of Maharashtra & Ors. .. Respondents

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Shri P.M.Damle, the petitioner in person.

Shri S.R.Borulkar, PP for the State.

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CORAM : R.M.S.KHANDEPARKAR &
SMT.V.K.TAHILRAMANI, JJ

DATED : 12TH SEPTEMBER, 2007

P.C.

1. Heard the petitioner in person and the learned Public Prosecutor for State. The petitioner by the present petition challenges the order dated 15th January, 2007 passed by the Member of the Maharashtra State Human Rights Commission in complaint bearing Case No.677/16/2005/789. The grievance of the petitioner is that the Commission failed to take note of the various facts which were brought to its notice and to pass an appropriate order.

2. Perusal of the order dated 15th January, 2007 passed by the Commission apparently discloses that pursuant to the filing of the complaint, report was called from the D.C.P. as also the enquiry was conducted by the Investigation Wing of the Commission. The said order further discloses that the findings by the Investigation Wing of the Commission are contrary to the findings in the report of the D.C.P.. After obtaining the report and the said findings, the petitioner was heard in the matter and taking into consideration the entire materials on record, the Commission has arrived at a finding that the report does not disclose any violation of human rights, and considering the same the complaint filed by the petitioner has been rejected.

3. This Court in writ jurisdiction cannot sit in appeal over the decision arrived at by the Commission. Once it is apparent on the face of record that the Commission, after following due process of law and after taking into consideration all the materials on record, has arrived at the finding which cannot be said to be a perverse finding, there cannot be any scope for interference in the order passed by the Commission. As already observed above, since the finding arrived at in the case in hand is based on the

consideration of the materials on record and the materials so considered include the enquiry report of the Investigation Wing of the Commission as well as the report of the D.C.P., it is obvious that no fault could be found with the decision making process adopted by the Commission, and hence there is no case for interference in writ jurisdiction in the impugned order.

4. The petition, therefore, fails and is hereby rejected.

(R.M.S.KHANDEPARKAR, J)

(SMT.V.K.TAHILRAMANI, J)